

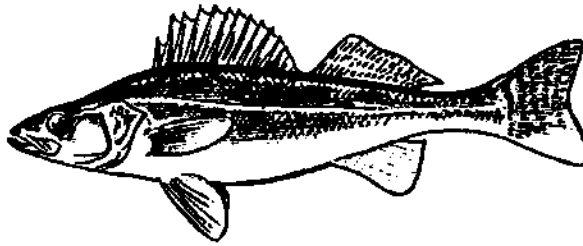
****ATTENTION****

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Questions And Answers On Commercial Harvest of Walleye by Tribes



1. Is it true that tribes have started harvesting walleye with gill nets in the Columbia River and selling them?

In recent years, treaty Indians have been catching walleye with gill nets in the Columbia River incidental to catches of steelhead and salmon. Under the terms of the Columbia River Fish Management plan, however, tribes are legally able to sell only walleye which were caught incidental to legal fisheries for salmon and steelhead. Under the terms of the plan, there are to be no target fisheries for walleye, and no commercial sales of walleye other than those caught incidental to lawful commercial fisheries.

2. What is the Columbia River Fish Management Plan?

The plan is a federal court-approved management agreement designed to protect, rebuild, and enhance upper Columbia River fish runs while providing harvests for both treaty Indian and non-Indian fisheries.

3. When was the Columbia River Fish Management Plan approved?

On October 7, 1988, the U.S. District Court for the District of Oregon filed its amended opinion and order, approving the Columbia River Fish Management Plan.

4. What part of the Columbia River is affected?

The approved plan affects the entire Columbia River and its tributaries within the jurisdiction of the parties to the plan. However, tribal commercial fisheries regulated by this plan are only authorized in what is called Zone 6 of the Columbia River, which is that area from Bonneville Dam to McNary Dam.

5. What tribes are involved in the walleye fishery?

The parties to the management plan participating in the walleye fishery include four tribal entities: the Nez Perce, Umatilla, Warm Springs, and Yakimas.

6. Does the Department of Wildlife have the authority to allow or prohibit the commercial harvest and sale of walleye by the tribes?

No.

7. Under what authority do the tribes harvest and sell a species of fish which was not even in Washington at the time the treaties were signed?

Authority the tribes may possess in this regard is a consequence of the treaty of 1855 and court decisions interpreting the treaty.

Although the courts have addressed the question of whether tribes have a right to take

hatchery produced species of fish which were indigenous to Washington, the question of tribal rights to non-indigenous fish has not been adjudicated in this state. Sale of walleye by Columbia tribes is currently limited by the provisions of the Columbia River Management Plan. The plan provides "in order to minimize the take of walleye, there shall be no treaty Indian fishery which targets on walleye." However, the incidental walleye catch during treaty Indian commercial fisheries for anadromous fish may be sold or otherwise utilized. Non-Indian fisheries on walleye shall continue under state regulation which prohibits the sale of walleye.

8. How many walleye are the tribal fishermen taking from the Columbia River?

The primary measure of commercial harvest is the numbers of fish sold through state licensed commercial fish buyer's businesses in Washington and Oregon. During the winter fishery (February 1 to March 26, 1989), fish buyers in Washington and Oregon reported buying 1590 walleye taken from the Columbia River. The Columbia River Intertribal Fish Commission reports that there is no ceremonial catch or usage by tribal fishermen.

9. How does the tribal harvest of walleye compare with sport harvest of walleye?

At this time, there are no complete estimates of either tribal or sport harvest throughout Zone 6 of the Columbia River, so the two harvests cannot be compared.

10. Is a 50-50 split for walleye required between tribal and sport fishermen?

No. Since the tribal harvest is restricted to incidental catch of walleye taken during legal seasons for salmon or steelhead, setting harvestable numbers and monitoring the walleye catch is not required.

11. How do we know that tribal fishermen are not targeting on walleye?

Gill nets do not discriminate among salmon, steelhead, or walleye. If more walleye are caught in a net than the target species, this does not in itself prove that a net was deliberately set to catch walleye. There is no data currently available that indicate a target fishery on walleye.

12. Are walleye populations being affected by net fisheries?

At this time the precise dimensions of the walleye populations in Zone 6 are not known. Therefore, trends or changes in the populations cannot be determined.